

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

ILLUMINA, INC.,

Plaintiff,

v.

AFFYMETRIX, INC.,

Defendant.

Civil Action Nos. 09-cv-277-bbc
09-cv-665-bbc
(Consolidated)

**MOTION OF DEFENDANT AFFYMETRIX, INC.
FOR SUMMARY JUDGMENT OF NONINFRINGEMENT**

Defendant Affymetrix, Inc. hereby moves the Court to enter summary judgment that it does not infringe U.S. Patent Nos. 7,510,841 and 7,612,020, and to dismiss the Amended Consolidated Complaint with prejudice.

The grounds for this motion are more fully set forth in the Memorandum of Defendant Affymetrix, Inc. in Support of Motion for Summary Judgment of Noninfringement; the Declaration of Martin Goldberg; the Declaration of Andre Sharon, Ph.D.; the Declaration of Roger J. Chin; and Defendant Affymetrix, Inc.'s Proposed Findings of Fact in Support of Motion for Summary Judgment of Noninfringement, filed contemporaneously herewith.

Dated: September 17, 2010

Respectfully submitted,

/s/ Roger J. Chin

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